

Condensed Transcript

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATRICK CARIOU,

Plaintiff,

vs.

Index No.: 08 CIV 11327

(DAB)

RICHARD PRINCE, GAGOSIAN
GALLERY, INC., LAWRENCE
GAGOSIAN, and RIZZOLI
INTERNATIONAL PUBLICATIONS,
INC.,

Defendants.

DEPOSITION OF

CHRISTIANE CELLE

Tuesday, January 26, 2010
10:00 a.m.

Schnader Harrison Segal & Lewis LLP
140 Broadway, Suite 3100
New York, New York 10005-1101

Reported by:
Bryan Nilsen, RPR



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<p style="text-align: center;">17</p> <p>1 Celle 2 at 424 Broome Street. 3 Q. The location at 189 Lafayette, is 4 that still a bookstore? 5 A. Yes, bookstore with photography book 6 only. 7 Q. Do you exhibit artists there at all? 8 A. No. 9 Q. The space at 255 Centre, that is a 10 gallery space? 11 A. Gallery space, yeah. 12 Q. And what type of work do you exhibit 13 there? 14 A. At the 424 space I do a lot of 15 event, book signing. Right now I have actually 16 a show that's drawing-painting, it's mixed 17 media, when 424 is photography only. 18 Q. 424 Broome is photography only? 19 A. Only, yes. 20 Q. The space at 255 Centre, is there a 21 drawing-painting show there now? 22 A. Right now, yeah, mixed media. 23 Q. And who are the artists? 24 A. Jody, J-O-D-Y, Morlock, 25 M-O-R-L-O-C-K.</p>	<p style="text-align: center;">19</p> <p>1 Celle 2 A. My husband is partner. 3 Q. In all three? 4 A. Yes. 5 Q. And it's basically 50/50? 6 A. Exactly, yeah. 7 Q. Day to day who runs the art 8 galleries, you or you and your husband? 9 A. Only me. 10 Q. And the 424 Broome space, that show 11 is only photography? 12 A. It's only photography, yes, correct. 13 Q. And you've had that space open for 14 how long? 15 A. That one I open in April 2009. 16 Q. And do you presently have a show 17 there? 18 A. Yes. 19 Q. Who is showing? 20 A. Right now I have it's called 21 Bande-A-Part, B-A-N-D-E-A-P-A-R-T. 22 Q. And can you give me an English 23 translation of that? 24 A. Yes. I mean actually it's a French 25 word that really doesn't translate too much.</p>
<p style="text-align: center;">18</p> <p>1 Celle 2 Q. And what type of work does 3 Ms. Morlock do? 4 A. Ms. Morlock does, first of all, 5 photography, and then she does a little painting 6 or tattoos on top of them. Then she does a lot 7 of oil paintings.. She does sculpture and she 8 does drawings. 9 Q. So the photo-based work is a photo 10 upon which she in turn paints or makes some 11 other marks of some kind? 12 A. It looks like, yeah, like tattoos on 13 paintings. 14 Q. And do you know the process, does 15 she use oil paint or what does she do to affix 16 those tattoos to the photographs? 17 A. On those photos in particular, there 18 are only two in the show, I'm not sure what she 19 used. 20 Q. And do you know the source of the 21 photographs? 22 A. No, I don't. 23 Q. These three spaces, so-called 24 gallery spaces, if that's okay, do you own them 25 entirely yourself or do you have partners?</p>	<p style="text-align: center;">20</p> <p>1 Celle 2 It's all the bands from the '60s, '70s, and 3 '80s. It's underground music. 4 And the show actually the title 5 Bande-A-Part came because there is a book to, 6 you know, to assist the show. Because what I'm 7 trying to do is have, you know, book signing and 8 shows together. 9 Q. And the photographers who are 10 showing in this show, they're one photographer 11 or more than one? 12 A. There are nine photographers. 13 Q. Nine photographers? 14 A. Yes. 15 MR. BROOKS: You're talking about 16 the current show? 17 MR. HAYES: The current show, yes. 18 BY MR. HAYES: 19 Q. And the subject matter of the 20 current show is a single band photographed or 21 multiple bands photographed? 22 A. Multiple bands, New York 23 underground. 24 Q. From the '60s – 25 A. 60s, 70s, 80s, yes.</p>



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<p>21</p> <p>1 Celle</p> <p>2 Q. The space at 424 Broome, you've told</p> <p>3 us that it's only a photography space, does it</p> <p>4 specialize in any particular type of photography</p> <p>5 or has it been giving shows of different types</p> <p>6 of photography?</p> <p>7 A. So far I have been doing different</p> <p>8 type of photography. It's true that when the</p> <p>9 gallery started I had something really in mind</p> <p>10 which was more travel-oriented photography. But</p> <p>11 things evolved.</p> <p>12 Q. Evolved into being more general?</p> <p>13 A. I think evolved because sometimes a</p> <p>14 show you want doesn't happen or, you know, you</p> <p>15 have to kind of tweak it around, and you have</p> <p>16 once a great opportunity that not necessarily</p> <p>17 are what you were expecting but such a great</p> <p>18 opportunity that you have to do the show.</p> <p>19 Q. At the present time do you have both</p> <p>20 male and female photographers?</p> <p>21 A. That's interesting. Yes, I do.</p> <p>22 Q. And do you have any other point of</p> <p>23 emphasis for the gallery, if travel is not the</p> <p>24 point of emphasis at the moment, do you have any</p> <p>25 other point of emphasis in terms of what the</p>	<p>23</p> <p>1 Celle</p> <p>2 hearing this correctly, the name of the show is</p> <p>3 Samburu?</p> <p>4 A. The Samburu, yeah.</p> <p>5 Q. What does that mean?</p> <p>6 A. It's the warrior in North Kenya.</p> <p>7 When you go to Kenya – I've been a few years</p> <p>8 ago, in the north there is a tribe that are not</p> <p>9 the Masai, and they're called Samburu. So</p> <p>10 they're warriors. So it's a show about the</p> <p>11 civilization.</p> <p>12 Q. So it's about the warriors in</p> <p>13 North Kenya?</p> <p>14 A. Yes.</p> <p>15 Q. And that show lasted for how long?</p> <p>16 A. That show I believe six weeks.</p> <p>17 I don't really remember, but I guess six weeks.</p> <p>18 Q. I'm just looking for approximations.</p> <p>19 A. Yeah.</p> <p>20 Q. And if you can recall, what shows</p> <p>21 did you have after that?</p> <p>22 A. After that I had the surf show.</p> <p>23 Q. And the surf show is surfing-related</p> <p>24 photography?</p> <p>25 A. Yes. It was a group show actually.</p>
<p>22</p> <p>1 Celle</p> <p>2 gallery shows or doesn't show?</p> <p>3 A. So far, besides the rock-and-roll</p> <p>4 show that I have right now, most of the</p> <p>5 photographers exhibit in connection with the</p> <p>6 traveling.</p> <p>7 Q. So you opened the space in April</p> <p>8 of '09, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And since that time to the present</p> <p>11 how many shows have you had?</p> <p>12 A. April – sorry, I don't remember by</p> <p>13 heart.</p> <p>14 Q. Take your time.</p> <p>15 A. In the 424 or in the whole --</p> <p>16 Q. Well, let's start with 424.</p> <p>17 A. Okay. So my first one was the</p> <p>18 Samburu. Samburu is photography from North</p> <p>19 Kenya, so that was the first one, S-A-M-B-U-R-U.</p> <p>20 And you want the name of the</p> <p>21 photographer too?</p> <p>22 Q. Please.</p> <p>23 A. Lyle Owerko, L-Y-L-E, O-W-E-R-K-O.</p> <p>24 That was my first show.</p> <p>25 Q. By the way, pardon me for not</p>	<p>24</p> <p>1 Celle</p> <p>2 Q. And who was in the group show, if</p> <p>3 you recall?</p> <p>4 A. In the group show I had Tony,</p> <p>5 T-O-N-Y, Caramanico, C-A-R-A-M-A-N-I-C-O.</p> <p>6 I had Jean-Philippe Piter,</p> <p>7 P-I-T-E-R.</p> <p>8 Q. Jean-Philippe Piter?</p> <p>9 A. Yes.</p> <p>10 Q. Okay?</p> <p>11 A. I had Jean-Philippe Piter, Tony</p> <p>12 Caramanico. I had Antoine Verglas, my husband,</p> <p>13 because he does kind of underwater photography.</p> <p>14 A-N-T-O-I-N-E, V-E-R-G-L-A-S.</p> <p>15 Then I had a gentleman called</p> <p>16 Burton, B-U-R-T-O-N, Machen, M-A-C-H-E-N. He</p> <p>17 does sky and beach and everything.</p> <p>18 I'm missing somebody – oh, yes,</p> <p>19 I have one more from Hawaii, Wayne Lewin,</p> <p>20 W-A-Y-N-E, and Lewin is L-E-W-I-N.</p> <p>21 I'm sure I forgot a few of them.</p> <p>22 Q. And how long did the surf show last</p> <p>23 approximately?</p> <p>24 A. I think it last a long time, all</p> <p>25 summer, like mid May, June, July.</p>



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<p>1 Celle 2 I keep contact. 3 Q. Where? 4 A. Rio. 5 Q. Okay. And so you had heard about 6 Mr. Cariou? 7 A. Yes. 8 Q. And what happened next in terms of 9 your having any contact with him? 10 A. I mean I heard when the book was -- 11 I bought the book. When I open the bookstore, 12 you know, I had in mind to carry a lot of books, 13 new books and out-of-print books. I bought 14 right away Surfer actually. I find a copy 15 somewhere online that was signed actually. 16 And, you know, I find out about all 17 the other books that he did. So I find out 18 about Yes Rasta. 19 I was trying to get a book called 20 Trench Town Love, but I don't think I could find 21 that one. Or sometime the price was really 22 high. That's how I really, you know, get to 23 know more his work. But I never met him. 24 Q. So you found out about him you said 25 about his work, is that by going online?</p>	<p>1 Celle 2 Q. Did you sell them? 3 A. Yes. 4 Q. All of them? 5 A. Frequently, yes, I sold them. And 6 actually what's interesting is Powerhouse didn't 7 have any more, so I went online and I bought a 8 few online also. 9 Q. Do you know how many copies of 10 Yes Rasta you sold out of your store? 11 A. Probably in all combined, in all my 12 store, I won't tell you exactly, no. But I know 13 it's selling, you know, basically in different 14 store. 15 Q. Is it more than a dozen, less than a 16 dozen? 17 A. More than a dozen. 18 Q. More than a hundred? 19 A. Less than a hundred. 20 Q. And have you sold copies of the 21 Surfer book or any other books by him in the 22 bookstore? 23 A. Only a few because they are hard to 24 find and they are very expensive. 25 Q. You had to buy them online?</p>
<p>34</p> <p>1 Celle 2 A. When I wanted to open the bookstore 3 I started researching a lot of photographer 4 books, you know, editor. And I mean I had 5 Surfer at home, I didn't have the Yes Rasta. 6 But when I start looking at, you 7 know, what kind of book he did, I came up upon 8 Rasta. And as I see Trench Town on the website, 9 he had a black website with there was a lot of 10 documentation about all the work he did. 11 Q. So you went to Mr. Cariou's website? 12 A. Yes. 13 Q. And is that where you found out 14 about Yes Rasta? 15 A. Yes. It's even where I found out 16 his address or e-mail address I think, because I 17 wanted to contact him. 18 Q. And when you first opened the 19 bookshop you carried one or more copies of the 20 Surfer book? 21 A. Yes. I had two copies and then I 22 contacted Powerhouse, the company who made the 23 book, to get some Yes Rasta, and I got a few. 24 Q. And you offered them for sale? 25 A. Yes.</p>	<p>36</p> <p>1 Celle 2 A. Online because they're already from 3 170 to 300 dollars, so I can't really mark up on 4 those books. 5 Q. By the way, do you have any records 6 as to how many copies of Yes Rasta you sold? 7 A. We have that because we keep 8 bookkeeping of all the sales. 9 Q. So if I was to leave a space in the 10 deposition could you just insert the number for 11 me? 12 A. Yes, of course. 13 Q. Thank you. I appreciate that. 14 TO BE FURNISHED: _____ 15 16 Q. By the way, you've been selling 17 the books by Mr. Cariou out of the space on 18 Lafayette Street, also out of any other space? 19 A. Lafayette, St. Barths, because I 20 have a space in St. Barths, and also East 21 Hampton. That's the three space basically. 22 Q. So you actually have three 23 galleries -- you have the gallery in New York? 24 A. Yes. 25 Q. You have a gallery in St. Barths?</p>



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<p style="text-align: center;">37</p> <p>1 Celle</p> <p>2 A. Yes.</p> <p>3 Q. And a gallery in East Hampton?</p> <p>4 A. Yeah, the gallery is small in</p> <p>5 East Hampton, very small.</p> <p>6 Q. And the one in East Hampton, what</p> <p>7 kind of work does that show?</p> <p>8 A. It's mainly a bookstore because it's</p> <p>9 very tiny. And work, last year we had mainly</p> <p>10 surfing-oriented work.</p> <p>11 Q. What's the address in East Hampton?</p> <p>12 A. It's 23 Newtown Lane.</p> <p>13 Q. And how long have you had that</p> <p>14 store?</p> <p>15 A. I open it – I don't know the dates</p> <p>16 exactly. Last year 2009 was my first season, so</p> <p>17 I probably opened April.</p> <p>18 Q. And the store in St. Barths, the</p> <p>19 gallery in St. Barths, what does that show?</p> <p>20 A. That one opened in November 2008.</p> <p>21 And my first show was Andy Warhol, show of Andy</p> <p>22 Warhol Polaroid, and also surfer show, same</p> <p>23 artist Tony Caramanico, the collage.</p> <p>24 Q. And the Andy Warhol you were selling</p> <p>25 the Polaroids?</p>	<p style="text-align: center;">39</p> <p>1 Celle</p> <p>2 work.</p> <p>3 And I was in the Hamptons, I</p> <p>4 remember, you know, I was preparing my gallery.</p> <p>5 And I had in mind to open the gallery. I had</p> <p>6 signed a lease, but I knew I could not open a</p> <p>7 gallery in three months. It was a long project.</p> <p>8 So I was planning for spring 2009.</p> <p>9 And I looked at his e-mail contact</p> <p>10 or his website and I sent him an e-mail, you</p> <p>11 know, asking if he would be interested to do a</p> <p>12 show with me.</p> <p>13 Q. And did he respond to that?</p> <p>14 A. He did respond to that, yeah. Yeah.</p> <p>15 Q. And subsequent to that e-mail, you</p> <p>16 e-mailed him and he e-mailed back, did you have</p> <p>17 further contacts with Mr. Cariou about a show or</p> <p>18 in general?</p> <p>19 A. Later on, yes. Once he answer me</p> <p>20 that, yes, we have to talk, or I can't remember</p> <p>21 what he answer me, but; you know, he wanted to</p> <p>22 engage the conversation.</p> <p>23 Then I remember him coming to</p> <p>24 New York after that. We had drink or lunch at</p> <p>25 Cafe Select. He came -- I can't recall if it's</p>
<p style="text-align: center;">38</p> <p>1 Celle</p> <p>2 A. Yes.</p> <p>3 Q. And did you obtain them from the</p> <p>4 Andy Warhol Foundation or from where?</p> <p>5 A. Yes, it was done with a gentleman</p> <p>6 called Tim Hunt from the foundation, and Fergus</p> <p>7 McCaffrey -- I might have to spell that for you,</p> <p>8 F-E-R-G-U-S, McCaffrey, C-A-F-F-R-E-Y.</p> <p>9 And this was a partnership with</p> <p>10 that person. And we got everything from the</p> <p>11 foundation. And the person in charge was</p> <p>12 Tim Hunt. He's the director.</p> <p>13 Q. Going back to the chronology of your</p> <p>14 contact with Mr. Cariou.</p> <p>15 A. Yeah.</p> <p>16 Q. So what I understand is that first</p> <p>17 you were aware of his Surfer book and you bought</p> <p>18 one copy?</p> <p>19 A. Yes.</p> <p>20 Q. And then you subsequently bought</p> <p>21 perhaps another copy for your bookstore?</p> <p>22 A. I had one copy for years that</p> <p>23 belonged to me personally. And when I was</p> <p>24 looking for photographer books and what to do</p> <p>25 I came upon his work and I discovered the Rasta</p>	<p style="text-align: center;">40</p> <p>1 Celle</p> <p>2 September or October, but he came in New York.</p> <p>3 Q. September or October of 2008?</p> <p>4 A. 2008. He came to see me, and we</p> <p>5 went to Cafe Select. It's a little cafe close</p> <p>6 to Broome Street. We had lunch.</p> <p>7 And, you know, I explained to him</p> <p>8 that I was interested to do a show and I had two</p> <p>9 things in mind. I had the Rasta for New York</p> <p>10 City for probably spring. And I was also</p> <p>11 interested in his Surfer photographs for</p> <p>12 St. Barths or East Hampton. I was not really</p> <p>13 sure.</p> <p>14 Q. And what did Mr. Cariou say to you</p> <p>15 at lunch about that idea or those ideas?</p> <p>16 A. He was very interested. He told me</p> <p>17 that he had a show before at Marion de Beaupre</p> <p>18 in France -- Marion de Beaupre, it's</p> <p>19 B-E-A-U-P-R-E -- and he'd be interested.</p> <p>20 I asked him where the prints are of</p> <p>21 his photographs, because I always ask that first</p> <p>22 question to know if people are organized.</p> <p>23 He told me everything was in</p> <p>24 New York because he had lived in New York for</p> <p>25 the past 12 years and he had his own printer in</p>



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<p style="text-align: center;">41</p> <p>1 Celle 2 New York and the prints were in New York. 3 So I told him that I was seriously 4 interested. We had a conversation. He was 5 there actually a few days. We talk about 6 photography. He told me that he had been 7 collecting books about photography for years. 8 We talked about his favorite 9 photographer, that it was Mary Ellen Mark, a 10 wonderful woman. And he was here for a short 11 time, but he said, well, if you go to Paris call 12 me, you know. 13 So later on I went to Paris 14 actually, not for him, for personal reason. And 15 we also had another -- I call him again, I say 16 I'm very interested, I'd love to do the show. 17 So we also had coffee in the morning 18 at Cafe del Esplanade. 19 Q. This is in Paris? 20 A. Yes. That's where I live in Paris. 21 Q. Do you recall when that was? 22 A. I knew it was for sure after 23 September-October. I don't -- I mean if you 24 need to know I can look maybe in my agenda. 25 But it was shortly after his visit,</p>	<p style="text-align: center;">43</p> <p>1 Celle 2 Rasta in the portrait of people. 3 And then I remember there was some 4 landscape, but there was a lot of marijuana 5 everywhere, so I remember I have two teenagers 6 so I was like maybe I have to be easy on that. 7 But, you know, I really like the 8 project and, you know, I show him a few things 9 that I like in the book. But nothing was like 10 settled and we didn't choose the photo that day, 11 you know. 12 Q. And you also looked at the Surfer 13 book at the same time? 14 A. We did. 15 Q. And did you talk about putting 16 certain of the Surfer prints in the show? 17 A. Yes, the Surfer actually I ask him 18 and he told me that will be easy because he had 19 some copies also in New York. I was trying to 20 see when can I get them but, you know, he was -- 21 what I remember also is at the time -- I think 22 the reason also he was in New York, he was 23 preoccupied because he had done a project about 24 gypsy work and he was trying to find somebody to 25 help him to edit the gypsy work to turn it into</p>
<p style="text-align: center;">42</p> <p>1 Celle 2 I had to do a trip in France, so I took 3 advantage to meet him. And we talk again, and I 4 was trying to pressure him to have an agreement 5 and say yes, because I was really planning for a 6 show in April probably, my opening of the 7 gallery, because with construction I knew it 8 would take at least six months. 9 So I would have loved to have maybe 10 a commitment or something. 11 Q. So go back for a moment to the lunch 12 meeting, was there a discussion there about any 13 financial terms? 14 A. Oh, yes. Yes. 15 Q. What was that discussion? 16 A. The discussion was I was telling him 17 usually the photographer give me all the prints, 18 I don't pay for the prints, that's their 19 responsibility, but I do all the framing, and 20 then we split 50 percent each. 21 Q. Did you discuss what photographs 22 would be in the show? 23 A. We had a copy of the book. I had a 24 copy of both books actually. We went through 25 some of them. I was very interested in for the</p>	<p style="text-align: center;">44</p> <p>1 Celle 2 a book. 3 Q. Prior to the time you had your 4 first contact with Mr. Cariou had you seen the 5 Yes Rasta book? 6 A. I've seen the Rasta book, yes. 7 Q. Before then? 8 A. Before that, yeah. 9 Q. So is there anything else at the 10 lunch conversation that you haven't told us 11 about that you and Mr. Cariou discussed? 12 A. No. Basically I was, you know, the 13 gallery trying to, you know, pursue the artist 14 to do a show. And he was interested. He wanted 15 to do a show. So it was a matter of, you know, 16 when I will be ready, when he will be ready. 17 And, you know, he was interested. 18 Q. Did you discuss with him doing a 19 solo show or a group show, or how did that -- 20 A. It was a solo show. And we were 21 planning April or May if the gallery will be 22 ready. 23 Q. Of 2009? 24 A. 2009. 25 Q. And did you discuss how long the</p>



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<p style="text-align: center;">45</p> <p>1 Celle 2 show would last? 3 A. I don't remember if we discussed 4 that. But usually it's a month or six weeks 5 that I know. 6 Q. And the proposal to make it a solo 7 show, was that your proposal or his? 8 A. It was my proposal. 9 Q. And why did you propose that? 10 A. Because I thought the material was 11 very strong in the book. I thought about also 12 the timing, you know, like this is a subject 13 that you think about people going out, and it's 14 not a winter show, it's like surfing. It's a 15 summer show. 16 And I usually do solo show most of 17 the time. And because, as I said, I really 18 loved the material in the book, I thought, you 19 know, it was worthy. And also because of the 20 subject, I knew I had a lot of people in the 21 entertainment business that will be very 22 attracted to that. 23 Q. And the Surfer photographs you 24 talked about doing, were they portrait-type 25 photographs as well?</p>	<p style="text-align: center;">47</p> <p>1 Celle 2 A. He was supposed to come before 3 Christmas because I was telling him that the 4 time was running, and after Christmas I felt 5 like, wow, Christmas, you know, everybody -- 6 nobody don't do anything. 7 So I wanted to pressure him to try 8 to come before the end of the year so to give me 9 really the material and we could pick together 10 the show. 11 Because I didn't know if he had 12 everything printed, we might have to print extra 13 thing, and then you need the framing. So, you 14 know, it's time consuming. 15 You know, I wanted him to commit. 16 And he told me that he will probably come back 17 in November. 18 Q. Come back in November of '08? 19 A. Of 2008. November-December he will 20 come back. 21 Q. And did he come back in November 22 of 2008? 23 A. No. 24 Q. When did he next come back or when 25 did you next have contact with him?</p>
<p style="text-align: center;">46</p> <p>1 Celle 2 A. Yes, portrait of surfers. I mean 3 beautiful image of like some of them -- one is 4 Joel Trudeau, as a young surfer, who is now like 5 in his 30s, but he had photographed him in 6 probably 2000. So it was a very, you know, it 7 was a long, long project. 8 Q. So the idea was to do a show of 9 portraits by Patrick Cariou? 10 A. It was -- the Surfer I couldn't do 11 portraits only because he had a lot of beautiful 12 photos of the surfer in the wave, so it was 13 mixed. 14 Q. And then back to, if I could, the 15 meeting in Paris -- which I understand was the 16 next meeting after the lunch meeting in 17 New York? 18 A. Yes. 19 Q. What was discussed there? 20 A. What was discussed there was that he 21 will try to come before the end of the year in 22 New York to get all the prints together. 23 Q. Before the end of 2008? 24 A. Yes. 25 Q. Okay, go ahead.</p>	<p style="text-align: center;">48</p> <p>1 Celle 2 A. I saw Patrick actually recently 3 I think because he came to do his deposition 4 he told me. 5 Q. From the time that you had this 6 meeting in Paris -- which was sometime in the 7 fall of 2008, correct? 8 A. Yes. 9 Q. When did you next speak to him? 10 A. When I next saw him after that -- 11 I'm trying to -- I think I saw him once. 12 Yeah, I think he came in New York -- 13 yeah, he came in New York because of this 14 situation we are here today. 15 Q. Because of the lawsuit? 16 A. Yes. 17 In the summer maybe. I can't 18 remember. 19 Q. Summer of '09, 2009? 20 A. I can't remember. He came in 2009. 21 I know he came to the gallery because he saw my 22 show, but I can't remember what time exactly it 23 was. I think it was in the spring. I think the 24 gallery was open. 25 Q. The gallery was open in the spring</p>



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<p>1 Celle</p> <p>2 of 2009?</p> <p>3 A. Yeah.</p> <p>4 Q. He came to your show?</p> <p>5 A. I think when he came the gallery</p> <p>6 was already running and open.</p> <p>7 And ironically, I think the show</p> <p>8 that was on, I cannot remember now because, you</p> <p>9 know, I say to him, oh, it could have been you,</p> <p>10 like as a joke, and it was actually a work</p> <p>11 called the Samburu, which is very similar in a</p> <p>12 way but, you know, it's made in Kenya. So I</p> <p>13 opened my first show with that work.</p> <p>14 So I think he probably came</p> <p>15 April-May because that show was on I remember.</p> <p>16 Q. And he was at your gallery for how</p> <p>17 long a period of time, do you recall?</p> <p>18 A. I think he just came to visit and</p> <p>19 to look at what I've done. And, you know, he</p> <p>20 thought the gallery looks great, and he told me</p> <p>21 right now he was in a certain situation and,</p> <p>22 you know.</p> <p>23 Q. Certain situation meaning this</p> <p>24 litigation?</p> <p>25 A. Yeah.</p>	<p>1 Celle</p> <p>2 Q. His personal collection of</p> <p>3 photography books?</p> <p>4 A. Yeah, some -- I mean his books, I</p> <p>5 don't know if it's his whole collection, but</p> <p>6 it's part of his collection.</p> <p>7 Q. So the idea is you would sell part</p> <p>8 of his collection for him?</p> <p>9 A. Yes.</p> <p>10 Q. Was there a discussion about</p> <p>11 financial terms of the sale of the collection?</p> <p>12 A. Of the collection?</p> <p>13 Q. Yes.</p> <p>14 A. I wanted to go through the books,</p> <p>15 and honestly this came out of the blue, and I</p> <p>16 didn't have much time. So right now I'm like</p> <p>17 going through them to see what's interesting,</p> <p>18 because we have a few hundred books, and it's</p> <p>19 time consuming work.</p> <p>20 Q. I understand.</p> <p>21 Can you tell me again, what was the</p> <p>22 date of that meeting when he brought the books?</p> <p>23 A. I remember it was before his</p> <p>24 deposition, because he told me I'm here for my</p> <p>25 deposition. But not a long time ago. Like</p>
<p>50</p> <p>Celle</p> <p>Q. And how long a discussion did you have with him at that time, if you recall, a few minutes, longer, less?</p> <p>A. You know, not long because it's not like he called me and he say I'm coming to see you, let's sit down. He was just there. One day he called me and he said I'm in New York, and he stopped by. So it was not an organized meeting, you know.</p> <p>Q. Have you seen him since then?</p> <p>A. I saw him actually recently. And he told me he was doing his deposition.</p> <p>Q. Where did you see him?</p> <p>A. He came to visit me at the office.</p> <p>Q. And how long was that visit?</p> <p>A. How long was that visit? He came to bring me some books that, you know, he asked me if I would be interested to sell for him. And I say yes. So he stayed the whole day. He showed me all his books. And I have the books, now I have to go through them.</p> <p>Q. What books are they?</p> <p>A. They are very old vintage collection of like very, very old books.</p>	<p>52</p> <p>Celle</p> <p>probably a week ago or -- yeah, probably a week ago or two weeks ago, you know.</p> <p>Q. Between the time that you had time with him in Paris -- was that lunch or coffee, I'm sorry?</p> <p>A. Yes.</p> <p>Q. Lunch?</p> <p>A. Coffee.</p> <p>Q. Between the time you had coffee with him in Paris and the time he came to see your show in the spring of '09 --</p> <p>A. Yeah.</p> <p>Q. -- did you speak to Mr. Cariou at all?</p> <p>A. When did I speak to him? No, I think we e-mail. We e-mail because, you know -- but I don't think, you know -- I left messages for him but he not always return his, you know. I left -- I know I left one or two messages occasionally, but he never really, you know, call me back.</p> <p>Q. So from the fall of '09 to the spring of -- from the fall of '08 to the spring of '09 you didn't speak to him, he may have sent</p>



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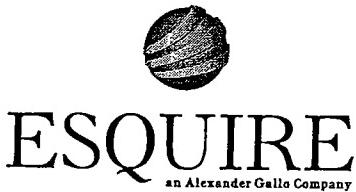
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<p style="text-align: center;">53</p> <p>1 Celle 2 e-mails -- 3 A. I think we e-mailed, yeah, because 4 we had some e-mail when the lawsuit happened. 5 So I know I knew about that because he e-mailed 6 me something.</p> <p>7 Q. Do you have copies of those e-mails 8 still?</p> <p>9 A. Yeah.</p> <p>10 Q. Do you have them with you today?</p> <p>11 A. Yes. Do you want them now?</p> <p>12 Q. Please.</p> <p>13 MR. BROOKS: I have them.</p> <p>14 MR. HAYES: Okay. Before you do 15 that, I appreciate you doing that, let me 16 just mark as an exhibit -- off the record.</p> <p>17 (Discussion off the record.)</p> <p>18 MR. HAYES: I'd like to mark as 19 Defendant's Deposition Exhibit 1 a 20 single-page document which contains I 21 believe an e-mail exchange which is in 22 French.</p> <p>23 And the top line says from Patrick 24 Cariou, and at the bottom -- well, the 25 third line down has a date on it</p>	<p style="text-align: center;">55</p> <p>1 Celle 2 it begins with the line 2008/8/28, Christiane 3 Celle, and it says bonjour Patrick?</p> <p>4 A. Mm-hmm, correct.</p> <p>5 Q. And that one continues down to the 6 bottom of the page and then ends with your name 7 Christiane?</p> <p>8 A. Yes, the whole thing, correct.</p> <p>9 Q. And then his response up above 10 starts from Patrick Cariou, it says Bonjour, 11 Christiane, and ends with Patrick and a cell 12 number?</p> <p>13 A. Yes.</p> <p>14 Q. Okay, great.</p> <p>15 So starting with the first e-mail 16 from you to him, could you please translate for 17 me -- I think there's one, two, three, four, 18 five, six paragraphs as I count them, one of the 19 paragraphs being just one line, do you see that?</p> <p>20 A. Here?</p> <p>21 Q. Yes.</p> <p>22 A. Yes.</p> <p>23 Q. So could you translate the first 24 paragraph for me?</p> <p>25 A. The first here?</p>
<p style="text-align: center;">54</p> <p>1 Celle 2 August 28, 2008. 3 (Defendant's Exhibit 1, e-mail 4 exchange, was marked for identification, 5 as of this date.)</p> <p>6 Q. Can you take a look at what's been 7 marked as Defendant Celle Exhibit 1?</p> <p>8 This document appears to be an 9 e-mail exchange first from you to Mr. Cariou and 10 then Mr. Cariou to you, is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And e-mail exchanges typically start 13 at the top with the most recent, the latest, and 14 then go down to the earliest, is that correct 15 here as well?</p> <p>16 A. I'm sorry --</p> <p>17 Q. And take your time to read it.</p> <p>18 A. Yes.</p> <p>19 Q. Is it correct -- again, I'm just 20 trying to make sure I understand the document 21 correctly -- that there are two e-mails here, 22 one from you to Mr. Cariou and one from him back 23 to you?</p> <p>24 A. Yes, correct.</p> <p>25 Q. And the first one from you to him,</p>	<p style="text-align: center;">56</p> <p>1 Celle 2 Q. Yes, please.</p> <p>3 A. Hello, Patrick. I am Christiane 4 Celle. We never met, but I know your 5 photograph. I live in New York for the last 6 20 years with a little break living in 7 St. Barths where I started a company called 8 Calypso. Then I met Antoine Verglas who is a 9 photographer that you know maybe. We have two 10 kids 14 and 12, and we are living together since 11 then.</p> <p>12 Continue?</p> <p>13 Q. That's perfect.</p> <p>14 Now, just so the record is clear, 15 that's the end of that first paragraph, right?</p> <p>16 A. Yes.</p> <p>17 Q. Could you please translate for me 18 the second paragraph?</p> <p>19 A. Of course.</p> <p>20 I created Calypso in 1992 in 21 St. Barths, and I sold it in 2007. I decided to 22 change work and do a gallery in New York. The 23 first show will be in November. You should go 24 online and look at Vincent Fournier. He's 25 having a show right now in Paris at Acte Deux</p>



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<p style="text-align: center;">57</p> <p>1 Celle 2 and one in Tokyo in October. 3 Q. And that's the end of the second 4 paragraph, right? 5 A. Yes. 6 Q. The show that was planned – I'm 7 going to ask you to go through the rest of them, 8 but before I do that, the show that you're 9 referring to for Mr. Fournier, that was supposed 10 to be at which space and when? 11 A. Okay, this show was supposed to be 12 in 2008. But I signed the lease in June, but 13 because of a huge problem in the building, you 14 know, that I took at 255 Centre, I could not 15 open the gallery until the spring 2009. 16 So that Vincent Fournier happened 17 but in 2009 October, a year later. 18 Q. And that's the show you told us 19 about earlier? 20 A. Yes, with the moon, the astronaut. 21 Q. Thank you. 22 Could you, on the third paragraph, 23 please translate that? 24 A. Yes. 25 Will you be interested about talking</p>	<p style="text-align: center;">59</p> <p>1 Celle 2 Q. That's the fourth paragraph, right? 3 A. That's this one, yes. 4 Q. Go ahead. 5 A. Thierry was my boyfriend in New York 6 during many years. It's actually '84 to '89. 7 Voila. 8 If you could give me a phone number 9 where I would be happy to call you. And my 10 name. 11 Q. So at that point you were proposing 12 the possibilities of a show, which would be a 13 surf-photograph-oriented show? 14 A. At the time, you know, we are 15 talking about that, yeah. 16 Q. And the idea is that you would do a 17 joint show with Mr. Cariou and Tony – I'll call 18 him Tony C. because I mispronounced his last 19 name? 20 A. At that time, yes, correct. 21 Q. And Tony C's work -- what is his 22 full name again? 23 A. Tony Caramanico. 24 Q. And Mr. Caramanico's work is 25 photography?</p>
<p style="text-align: center;">58</p> <p>1 Celle 2 about a possibility of expo, an exhibition in 3 New York. I will also have a gallery that's 4 opening in St. Barths, Gustavia is the town. 5 And I'm starting with a show of Tony C., it's my 6 surfer that you never heard about. And he's 7 doing print with his diaries. Diaries is the 8 journal. The theme is surf. 9 He's almost 60 and was a big 10 longboard champion. He did the longboard 11 competition. I was thinking also that I could 12 show you work and Tony work and some of your 13 surf photographs. 14 I also wanted to know if you were 15 interested or if you had an exclusive with 16 somebody. 17 Voila. 18 Q. That's the one-line paragraph? 19 A. Yes. 20 Q. Okay. Keep going, please. 21 A. I also note Thierry Des Fontaines 22 that was your assistant for a small period or 23 short moment is living now in Brazil and he has 24 a website if you want to look. He's devoted his 25 time to sport photography.</p>	<p style="text-align: center;">60</p> <p>1 Celle 2 A. Yeah, it's the surf journal and 3 transfer into photography. 4 Q. So it's collage which has been 5 rephotographed? 6 A. Yes. 7 Q. Okay, great. 8 And so that was your idea for the 9 show at that point? 10 A. At that moment, yes. 11 Q. And then going above to the top 12 of the document, which would now be what I 13 understand to be Mr. Cariou's response to you, 14 correct? 15 A. Mm-hmm. 16 Q. And that appears to be dated 17 August 28th, that is the same date as your 18 e-mail, correct? 19 A. Yes. 20 Q. And could you please, starting with 21 bonjour Christiane -- 22 A. Yes. 23 Q. – translate that for us? 24 A. Hello, Christiane. Thank you very 25 much for the interest that, you know, you are</p>



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<p style="text-align: center;">61</p> <p>1 Celle 2 calling to my work. I know all the people you 3 are naming in your e-mail. I don't have a 4 gallery and I will be interested by a show. The 5 book Surfer is sold out for a long time, but 6 there should be a reprint this year. I also 7 have another book that I'm trying -- I'm just 8 finishing after ten years. It's about gypsies. 9 Maybe this will be interesting for you. Best.</p> <p>10 Q. And your e-mail to Mr. Cariou does 11 not make any reference to Yes Rasta, does it?</p> <p>12 A. Not on this one.</p> <p>13 Q. But by that time you hadn't seen 14 Yes Rasta, correct?</p> <p>15 A. I think I had seen Yes Rasta 16 because, you know, I always had been on his -- 17 I already had been on his website to get his 18 number.</p> <p>19 Q. And his response also does not refer 20 to Yes Rasta?</p> <p>21 A. No.</p> <p>22 Q. And subsequent to this e-mail you 23 had additional e-mail correspondence with him?</p> <p>24 A. I call him right away because I 25 wanted his phone because it's difficult to have</p>	<p style="text-align: center;">63</p> <p>1 Celle 2 the photographer for everywhere because, you 3 know, things change, unfortunately.</p> <p>4 Q. Sure.</p> <p>5 A. At the time, I don't recall, you 6 know.</p> <p>7 Q. So these e-mails are dated August 28 8 of 2008 and you met at Cafe Select in September 9 or October of '08, right?</p> <p>10 A. Yes. Yes.</p> <p>11 Q. And so this conversation you just 12 described happened sometime in between?</p> <p>13 A. Yes.</p> <p>14 Q. Did you have any other conversations 15 with Mr. Cariou in between?</p> <p>16 A. I don't think so because, you know, 17 I know I called him later at the end of the 18 year. Because one day somebody told me that 19 there was a show at Gagosian and there was 20 picture from the, you know, the Rasta book. 21 So I left a message to him to call 22 me back, but he didn't.</p> <p>23 Q. I'll get to that in a moment.</p> <p>24 A. Yeah.</p> <p>25 Q. Thank you. I just want to keep the</p>
<p style="text-align: center;">62</p> <p>1 Celle 2 a conversation. And, you know, I call him and 3 I remember having, you know, the website and 4 going around the website and telling him what I 5 was interested.</p> <p>6 I remember that he was mentioning 7 also his new work Gypsies. And I was telling 8 him that to do Gypsies would be more interesting 9 when the book came out, because it's more 10 interesting when the show has a book.</p> <p>11 And I was telling him that because 12 my next gallery was going to open soon in 13 St. Barths, you know, I was interested in the 14 Surfer, but I'll be interested for spring 15 eventually of the Rasta.</p> <p>16 Q. Does this -- by the way, does this 17 e-mail talk about opening -- having the show in 18 St. Barths?</p> <p>19 A. I think at that time it was a mixed 20 show. So I think it was probably St. Barths. 21 I don't recall.</p> <p>22 Q. You don't recall whether it was 23 going to be St. Barths or New York?</p> <p>24 A. I mean I know right now I try to 25 do -- when I get a photographer I try to sign</p>	<p style="text-align: center;">64</p> <p>1 Celle 2 chronology straight.</p> <p>3 So we have the exchange of e-mails?</p> <p>4 A. Yeah.</p> <p>5 Q. We have the telephone conversation 6 you described to us?</p> <p>7 A. Yes.</p> <p>8 Q. And then we have the meeting at Cafe 9 Select in New York?</p> <p>10 A. Yes.</p> <p>11 Q. And the meeting in Paris?</p> <p>12 A. Yes.</p> <p>13 Q. And then you left him a message at 14 the end of December?</p> <p>15 A. When I --</p> <p>16 Q. I don't mean to put words in your 17 mouth. Sometime in December, is that --</p> <p>18 A. I can't remember if it's November or 19 December, but it's before Christmas because I 20 know I left the 17th of December, so it's before 21 the 17th of December.</p> <p>22 Q. And your best recollection is he 23 didn't respond to that message?</p> <p>24 A. No.</p> <p>25 Q. And the next time you had any verbal</p>



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<p style="text-align: center;">65</p> <p>1 Celle 2 contact with him was he when he came to see your 3 show in the spring of '09?</p> <p>4 A. Yes, because I received an e-mail I 5 think in January, those e-mails, you know, about 6 informing that he has a lawsuit.</p> <p>7 I'm trying to remember.</p> <p>8 I don't think I saw him before that.</p> <p>9 Q. In the conversations either at Cafe 10 Select or the cafe in Paris had there been any 11 start day set for a show?</p> <p>12 A. I keep thinking spring, because at 13 the time when I met him, probably September or 14 October, I knew already that the gallery will 15 not be open by the end of the year.</p> <p>16 Because for a reason that building 17 at 255 Centre, okay, I took a building – I took 18 a space that was huge and that didn't have a 19 certificate of occupancy for years. And before 20 me it was an electrician, it was not a retail 21 store. So it was like a showroom.</p> <p>22 And when I start getting approval 23 from the City of New York I had so many problem. 24 So I started the construction I think around 25 September-October, but I really open in June.</p>	<p style="text-align: center;">67</p> <p>1 Celle 2 A. Yeah, we had a discussion of size of 3 print.</p> <p>4 Q. What was that?</p> <p>5 A. We had, you know, discussed to do 6 very big format because, you know, in New York 7 people have big apartment. So nothing less than 8 30 by 40 and then going up.</p> <p>9 We discussed about price too because 10 I wanted to know, you know, in the past what it 11 was, you know, the background. But he never – 12 for example, in the Surfer he had sold some 13 photography.</p> <p>14 The Rasta he had not done a show 15 with it, so he was trusting me, and I was also 16 new on that. But I was basing my price in the 17 market, you know, according to what the book 18 was. And I think the first price were in the 19 \$3,000 up to 15 or 20. But we never set up like 20 real on paper any size.</p> <p>21 Q. It was a verbal discussion --</p> <p>22 A. Yes.</p> <p>23 Q. – about what the price points might 24 be for different sizes?</p> <p>25 A. From 3,000 to 15 or 20 for really</p>
<p style="text-align: center;">66</p> <p>1 Celle 2 There was so many problems. 3 So I knew already that I could not 4 do a show until spring. So my thinking was, 5 you know, to try to work something for him 6 April-May. It was always spring.</p> <p>7 Q. It was always spring?</p> <p>8 A. Yeah.</p> <p>9 Q. Would it be fair to say that the 10 discussions were general?</p> <p>11 A. Yes.</p> <p>12 Q. And you had discussed he would 13 provide the prints and you would frame them and 14 you would split any sales price?</p> <p>15 A. Yes, correct.</p> <p>16 Q. Did you discuss how many prints 17 would be in the show?</p> <p>18 A. I mean I had an idea because 19 according to the space I wanted around like 20 between 30 and 40 prints, you know, because I 21 was trying to map out the Vincent Fournier at 22 the time, and that's what I was figuring out 23 that I could fit in the space.</p> <p>24 Q. Did you have a discussion of the 25 sizes of the prints?</p>	<p style="text-align: center;">68</p> <p>1 Celle 2 big format.</p> <p>3 Q. And in line with that, did you 4 discuss with Mr. Cariou the sales he made of any 5 prints prior to that discussion?</p> <p>6 A. No. The only thing he told me that 7 he had sold Surfer through Marion de Beaupre in 8 Paris, and he was selling, you know, privately 9 to a hotel, you know.</p> <p>10 Q. You said to a hotel?</p> <p>11 A. Yeah. He actually -- I can mention 12 that because a gentleman came to my store called 13 Robert Novogratz, N-O-V-O-G-R-A-T-Z. He's a 14 really famous decorator that I know. And Robert 15 had come to my bookstore looking for kind of new 16 things and – you know.</p> <p>17 And he had come around Yes Rasta and 18 Surfer, and Robert had, you know, gotten both 19 books. And I said to him, I'm trying to do a 20 show with this photographer. And Robert said, 21 I'm doing that big hotel in New Jersey, I would 22 love to get some photo of him.</p> <p>23 And because I was not representing 24 Patrick at the time, I say, well, maybe you 25 should contact him directly, because, you know.</p>



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69 <p>1 Celle 2 So I think he contacted him. And 3 when Patrick came in New York in the Cafe Select 4 he mentioned that thank you for referring 5 Robert, I'm doing some photographs for him for 6 the hotel. 7 Q. And did he say what price they were 8 going to be at? 9 A. No. And I felt, you know, I didn't 10 want to be indiscreet because for me I was 11 thinking I'm not his agent. You know, I would 12 love to but, you know. 13 And Robert Novogratz the decorator 14 is also a great client of mine, you know, he 15 buys things from me. So I knew that if I was 16 referring he will send me clients for something 17 else, you know. It's a favor I did to him, 18 but -- 19 Q. Did Mr. Cariou say anything to you 20 in words or substance about having sold his 21 prints primarily in the past to people that he 22 liked or felt good about or friends? 23 A. He didn't give me the detail, but he 24 told me that he had sold prints in the past and 25 mentioned the Robert Novogratz hotel.</p>	71 <p>1 Celle 2 week after I immediately called him. 3 Q. So end of August, early September? 4 A. Yes. 5 Q. You then had the meeting with him in 6 Cafe Select in September-October approximately 7 of '08? 8 A. Yes. 9 Q. You then had the meeting in Paris 10 sometime later in the fall? 11 A. Yes, correct. 12 Q. You left him a message in December? 13 A. End of November, December. I can't 14 recall exactly. 15 Q. And that's the one he didn't respond 16 to, correct? 17 A. He didn't respond. I just asked him 18 to call me back, you know. I didn't give any 19 detail. 20 Q. Just please call me? 21 A. I say can you call me back, because 22 I was thinking if I say anything he might be 23 freaking out. I say just call me back, I need 24 to talk to you. 25 Q. And when was the next contact after</p>
70 <p>1 Celle 2 Q. And did he give you any statement as 3 to what the price points of the prior sales had 4 been? 5 A. I mean when I say to him like the 6 small one, I was referring to the -- I can't 7 remember -- it was to the probably 30 by 40, and 8 that was in the 3,000 to 5,000, you know, 9 according to the market and something similar, 10 and he was in that price range. 11 Q. He was agreeing to the price range? 12 A. Yes. 13 Q. But did he say anything to you about 14 what he sold prints for in the past? 15 A. No. 16 Q. Just so I make sure I have the 17 chronology down, what I understand is we have 18 the e-mail exchange in August of '08? 19 A. Mm-hmm. 20 Q. You had a phone conversation with 21 him sometime after that, probably in September, 22 is that correct? 23 A. I think after that, when he gave me 24 his cell I call him right away. I don't know if 25 it's the same day, but that same week or the</p>	72 <p>1 Celle 2 that you had with Mr. Cariou? 3 A. Like contact physically seeing him 4 you mean? 5 Q. Well, let's say physically seeing 6 him, yes, that was when he came to your gallery 7 for the show, right? 8 A. I think that's it, yeah, in the 9 spring. 10 Q. Spring of '09? 11 A. I think in the spring he was just 12 here and he told me he was here for a lawsuit. 13 Q. And so between the time you saw him 14 in Paris and the time he came to the gallery 15 show did you speak to him over the telephone at 16 all? 17 A. I don't think so. 18 Q. And so what was the next contact 19 that you had with him, if any, before you met 20 him at the show in spring of '09, did you get 21 any e-mails from him or send him any e-mails? 22 A. I know in January he sent me an 23 e-mail telling me that he was going to do the 24 lawsuit and, you know. 25 MR. HAYES: Do we have that e-mail</p>



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<p style="text-align: center;">85</p> <p>1 Celle 2 Q. Yes. 3 A. Oh. The difference this time is he 4 really took 30 photos from one artist. 5 Q. Okay, good. 6 Then the next line? 7 A. Plus one book with the central theme 8 of my work. 9 Q. "Mon travail du jamais vu," does 10 that mean my work or my travel to Jamaica? 11 A. Oh, no, this means the central theme 12 of my work. "Du jamais vu" means never seen. 13 Q. Work never seen? 14 A. Yeah. 15 Q. The word "travail" is what? How do 16 you translate "travail"?</p> <p>17 A. My work. 18 Q. "Travail" is work? 19 A. Yes. 20 Q. Okay. Next line? 21 A. It looks like it's the first time 22 this is happening in the art world. We will 23 see. And best. 24 Q. "Nous allons voir" means we will 25 see?</p>	<p style="text-align: center;">87</p> <p>1 Celle 2 up now, how far in advance do you generally 3 prepare the show and what do you do to prepare 4 it? 5 A. It depends. Usually I need from 6 three months to six months, according to the 7 artist. 8 Q. And what do you do during those 9 three to six months? 10 A. Okay. What I do is I meet different 11 time to review the work, pick up the work, make 12 a choice of the work. And then it's the 13 responsibility of the artist to print. 14 And some artists needs two months. 15 The framer needs three weeks to one month. 16 So usually, you know, once you agree 17 on the show it can take two months minimum to 18 prepare. 19 Q. Do you do a catalog in connection 20 with your shows? 21 A. Sometime I do, but not necessarily 22 for every show. 23 Q. And did you plan a catalog for this 24 show? 25 A. For that show I didn't plan a</p>
<p style="text-align: center;">86</p> <p>1 Celle 2 A. We will see, yeah. 3 Q. So this exchange all took place on 4 January 29, 2009? 5 A. Yes. 6 Q. We'll go through everything else in 7 the exhibit in a minute. 8 But at the time that this e-mail 9 exchange happened had you done anything to 10 actually set up the exhibit at your gallery of 11 Mr. Cariou's photographs? 12 A. No. 13 Q. Had you discussed it with any of the 14 other artists? 15 MR. BROOKS: Discussed what? 16 A. With the other artists? 17 Q. Discussed the possibility of having 18 a Cariou show with any of the other artists you 19 represented? 20 A. No, I don't discuss usually each 21 artist with the others, you know. It's kind of 22 confidential. 23 Q. I understand. 24 And can you tell me in general if 25 you're going to do a show like the show you got</p>	<p style="text-align: center;">88</p> <p>1 Celle 2 catalog because what I was planning is a reprint 3 of the book of 5,000 copy and have a show of 4 Patrick work in conjunction with the reprint of 5 the book and do a book signing too because the 6 book was hard to find. Powerhouse had sold out 7 the book. 8 Q. At this point in time had you made 9 any arrangements to have the book reprinted as 10 of the end of January 2009? 11 A. No, because in November or December 12 I heard that there was a situation where there 13 was a show at Gagosian with certain photograph 14 of Patrick Cariou. 15 So at the time I had no idea and I 16 was thinking two things, maybe Patrick Cariou is 17 not responding my phone call because he's doing 18 something with Richard Prince. 19 You know, I don't know Patrick 20 Cariou, so I say maybe that's why he's not 21 pursuing me because he's doing something better, 22 bigger with this person. That was my first 23 reaction when I heard there was a show at 24 Gagosian. 25 First, that was my reaction. That's</p>



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<p style="text-align: center;">89</p> <p>1 Celle 2 why I left a message, you know, for him to call 3 me back. Because for me he had done it with 4 Gagosian and Prince and the big show and then he 5 didn't want to tell the French girl I'm not 6 doing it with you, you know, because we had 7 started a relation and that would have been bad. 8 And I was not sure about that.</p> <p>9 But I was thinking if it's done 10 already I'm not going to do now a Rasta show 11 showing, you know, the work. It looks like I'm 12 trying to take advantage of the success of 13 Richard Prince and saying, wow, great, let me do 14 the Rasta, and now I'm going to show this.</p> <p>15 So at the time I knew that if I will 16 do something with Patrick it will be probably 17 the Surfer. But I could not do anymore the 18 Rasta because it was already in Chelsea, a 19 beautiful gallery in Chelsea.</p> <p>20 And Gagosian is a very famous 21 gallery, so if the work was shown there already 22 with another artist together, you know, I was 23 not sure if Patrick had decided to do something 24 with Richard Prince.</p> <p>25 And that was my first idea because,</p>	<p style="text-align: center;">91</p> <p>1 Celle 2 Q. And where do you advertise? 3 A. In Photograph Magazine. It's like a 4 small booklet, like a photographic guide mostly. 5 Q. As of the end of January of 2009 had 6 you made any arrangements for advertisements of 7 a show of photographs by Mr. Cariou?</p> <p>8 A. No, because the minute I figure out 9 that there was a Chelsea show of his work, you 10 know, I knew that it was over.</p> <p>11 Q. At any time prior to January 29th of 12 2009 had you ordered any advertisements for a 13 show for Mr. Cariou?</p> <p>14 A. No.</p> <p>15 Q. Had you printed any invitations?</p> <p>16 A. No.</p> <p>17 Q. Had you made any arrangements with 18 Powerhouse Books to reprint Yes Rasta?</p> <p>19 A. No, because it was more Patrick's 20 decision to do that. But we were committed to 21 do something.</p> <p>22 Q. Okay. Now, turning to the third 23 page of this document, this is where I guess 24 if you can identify -- this appears to be a 25 different e-mail.</p>
<p style="text-align: center;">90</p> <p>1 Celle 2 you know, a friend of mine told my husband and I 3 went to look on the website and I thought maybe 4 it's a collaboration. And now I was thinking 5 this is why, you know, I don't have any news 6 from Patrick.</p> <p>7 The second option was we didn't 8 agree and then we see, but I wanted to figure 9 out, but I knew there was no way I could do a 10 show because of the situation.</p> <p>11 Q. By this time at the end of January 12 of 2009 had you printed up any invitations for 13 the show?</p> <p>14 A. No.</p> <p>15 Q. Do you typically print invitations?</p> <p>16 A. Really I would say a month before 17 the show, you know. We do a postcard.</p> <p>18 Q. A postcard?</p> <p>19 A. Yeah.</p> <p>20 Q. Do you usually take advertisements 21 for a show?</p> <p>22 A. Yes, we do.</p> <p>23 Q. And when do you usually make the 24 arrangements for advertisements?</p> <p>25 A. At least three months before.</p>	<p style="text-align: center;">92</p> <p>1 Celle 2 Looking at the e-mail which appears 3 to take up the bottom two thirds of this -- 4 sorry.</p> <p>5 This page appears to be a copy of 6 the -- I confused myself here.</p> <p>7 On page 3 there appears to me to be 8 some carryover lines or something at the top 9 which consists of --</p> <p>10 MR. BROOKS: Excuse me. Hers is 11 different than mine.</p> <p>12 MR. HAYES: Off the record. 13 (Discussion off the record.)</p> <p>14 BY MR. HAYES:</p> <p>15 Q. Looking at the third page, at the 16 top of the page is what appears to be two lines, 17 then a space, one line, then a space, and then 18 three lines, do you see that?</p> <p>19 (Witness indicating.)</p> <p>20 Q. Yes. Top of the page, two lines 21 beginning "elles ont fait"?</p> <p>22 A. Yes.</p> <p>23 Q. And then there are two lines there, 24 then there's a space, one line?</p> <p>25 A. Yes.</p>



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<p>105</p> <p>1 Celle</p> <p>2 But I told him that there was no way</p> <p>3 I could do a Rasta show because it looks like</p> <p>4 I'm trying to capitalize on, you know, the</p> <p>5 Richard Prince notoriety and say, wow, he did</p> <p>6 this, I'm going to do a show now and show the</p> <p>7 Rasta work, it looks like I'm trying to take</p> <p>8 advantage of the situation. And I say there's</p> <p>9 no way I can do a show right now.</p> <p>10 Q. And in that conversation did</p> <p>11 Mr. Cariou try to persuade you to proceed with</p> <p>12 the show?</p> <p>13 A. At the time I think he was very</p> <p>14 preoccupied by the whole situation more than</p> <p>15 focusing on my conversation.</p> <p>16 Q. Preoccupied by the lawsuit?</p> <p>17 A. Yes.</p> <p>18 Q. Rather than focusing on your show in</p> <p>19 your conversation?</p> <p>20 A. Yes, he was very preoccupied with it</p> <p>21 because it was something very important for him.</p> <p>22 And I kind of apologize and say,</p> <p>23 you know what, this has been -- you know, since</p> <p>24 November I heard, I call you, you didn't call me</p> <p>25 back, and I was thinking, you know, I really</p>	<p>107</p> <p>1 Celle</p> <p>2 Q. Are you still interested in doing</p> <p>3 a show with Mr. Cariou?</p> <p>4 A. I don't know after all this, you</p> <p>5 know.</p> <p>6 Q. You are still interested in selling</p> <p>7 the Yes Rasta book?</p> <p>8 A. The book I still sell it. I always</p> <p>9 sold the book, you know, because I have a</p> <p>10 bookstore and, you know. So I love the book,</p> <p>11 but doing a show, I'm not sure.</p> <p>12 Q. Anything else in that conversation</p> <p>13 that you had with him that you haven't told us</p> <p>14 about?</p> <p>15 A. No. I think that's it. I don't</p> <p>16 think I remember anything else.</p> <p>17 Q. Were there any other conversations</p> <p>18 that you had between that telephone conversation</p> <p>19 and the time he came to your gallery in the</p> <p>20 spring of '09?</p> <p>21 A. I don't -- no, I don't think so.</p> <p>22 Q. And that conversation was -- these</p> <p>23 e-mails are in late January?</p> <p>24 A. Mm-hmm.</p> <p>25 Q. Was that conversation shortly after</p>
<p>106</p> <p>1 Celle</p> <p>2 love your work but now if I do a show today it</p> <p>3 looks like I'm taking advantage.</p> <p>4 Because if there is a New York Times</p> <p>5 Magazine talking about, you know, this, you get</p> <p>6 a writeup and I don't want to be the one trying</p> <p>7 to capitalize on the success of that or not the</p> <p>8 success or the bad press, you know. So I say I</p> <p>9 don't want to do the show.</p> <p>10 Q. What did he say in response to that?</p> <p>11 A. You know, he asked me will you do</p> <p>12 any other show. And I say, well, maybe, you</p> <p>13 know, we have to talk.</p> <p>14 Q. And did you have a discussion, for</p> <p>15 example, about doing a show relating the surfer</p> <p>16 portraits that you talked about putting in the</p> <p>17 show with the Rastas?</p> <p>18 A. You know, at the time we didn't go</p> <p>19 anywhere. The proof is like today I still</p> <p>20 haven't gotten anything from him.</p> <p>21 Q. You haven't gotten any prints from</p> <p>22 him or anything?</p> <p>23 A. Today I mean I'm trying to get</p> <p>24 things, but I think this has to be probably</p> <p>25 over, you know. I don't know the situation.</p>	<p>108</p> <p>1 Celle</p> <p>2 the e-mail exchange, do you recall?</p> <p>3 A. Yes. I call him because I really</p> <p>4 wanted -- because we e-mail sometime, you know,</p> <p>5 he's talking about his collection, I want the</p> <p>6 Rasta.</p> <p>7 Because I had mentioned early on</p> <p>8 that the book was running out, he should do a</p> <p>9 reprint, he should talk to Powerhouse, because</p> <p>10 I cannot go to the publisher and say can you</p> <p>11 reprint that book.</p> <p>12 Q. And that conversation took place,</p> <p>13 would it be fair to say, around the end of</p> <p>14 January or beginning of February?</p> <p>15 A. Yes, beginning of February probably.</p> <p>16 Q. And in that conversation did you</p> <p>17 have a more complete conversation about his</p> <p>18 collection and him sending you the collection?</p> <p>19 MR. BROOKS: I'm sorry, which</p> <p>20 collection?</p> <p>21 MR. HAYES: His collection of his</p> <p>22 own books.</p> <p>23 A. At the time he say to me that the</p> <p>24 books were in the basement in Brooklyn, that his</p> <p>25 next trip to New York he will, you know, go</p>

<p style="text-align: center;">113</p> <p>1 Celle</p> <p>2 A. Yes.</p> <p>3 Q. So I'll refer to it as the Canal</p> <p>4 Zone show if that's okay?</p> <p>5 A. Yes, mm-hmm.</p> <p>6 Q. When did you first hear about the</p> <p>7 Canal Zone show?</p> <p>8 A. I can't recall if it's -- it's in</p> <p>9 November I think. I can't remember.</p> <p>10 Q. 2008?</p> <p>11 A. 2008.</p> <p>12 Q. Did you see the show yourself?</p> <p>13 A. No.</p> <p>14 Q. How did you hear about the show?</p> <p>15 A. My husband came home one evening</p> <p>16 and he had -- you know, he had heard through</p> <p>17 somebody from France, who was actually probably</p> <p>18 a photographer, I can't remember, traveling in</p> <p>19 New York who saw the show.</p> <p>20 And he probably knew Patrick's</p> <p>21 work or new the Rasta and said, wow, that's</p> <p>22 incredible, that French guy or Patrick, his</p> <p>23 photograph is in the show with Richard Prince.</p> <p>24 So my husband told me.</p> <p>25 Q. Just so I'm clear, your husband told</p>	<p style="text-align: center;">115</p> <p>1 Celle</p> <p>2 A. No, I didn't. I did not.</p> <p>3 Q. You saw the show was up and running</p> <p>4 at the time?</p> <p>5 A. I saw on the website, yeah, but</p> <p>6 there was some photograph I remember.</p> <p>7 Q. Do you remember, did you have any</p> <p>8 further conversations with anyone else about the</p> <p>9 show other than what you've told us?</p> <p>10 A. No.</p> <p>11 Q. Do you frequently go to art shows in</p> <p>12 Chelsea?</p> <p>13 A. I have to be honest, interestingly,</p> <p>14 I don't. I have to say when I was in fashion I</p> <p>15 didn't go to fashion shows. I never have time.</p> <p>16 You know, I work and I go home and I have kids</p> <p>17 so --</p> <p>18 Q. You're too busy?</p> <p>19 A. I do weekends sometimes, but I don't</p> <p>20 have time.</p> <p>21 Q. Other than discussions with -- by</p> <p>22 the way, without getting into the conversation</p> <p>23 with Mr. Brooks or anyone else at this law firm,</p> <p>24 when did you first hire him as your lawyer?</p> <p>25 A. Just yesterday I guess.</p>
<p style="text-align: center;">114</p> <p>1 Celle</p> <p>2 you about a conversation he had with someone who</p> <p>3 is in France who had seen the show?</p> <p>4 A. Yes. I think it's somebody who was</p> <p>5 in New York but living in France, somebody I</p> <p>6 didn't know actually. And he say, wow, you</p> <p>7 should check it out because this is what I heard</p> <p>8 today.</p> <p>9 Q. Your husband said this to you?</p> <p>10 A. Yes.</p> <p>11 Q. What did you say to him, if you</p> <p>12 remember?</p> <p>13 A. I say, well, I have to check it out,</p> <p>14 it's weird.</p> <p>15 Q. And what, if anything, did you do</p> <p>16 after that?</p> <p>17 A. After that I went on the Gagosian</p> <p>18 website and there was some images.</p> <p>19 Q. And did you do anything further</p> <p>20 after that, did you go to the gallery, did you</p> <p>21 talk to anyone from the gallery?</p> <p>22 MR. BROOKS: I'm sorry, I didn't</p> <p>23 hear.</p> <p>24 Q. Did you go to the gallery, did you</p> <p>25 talk to anyone at the gallery?</p>	<p style="text-align: center;">116</p> <p>1 Celle</p> <p>2 Q. So prior to hiring him as your</p> <p>3 lawyer yesterday had you ever spoken to</p> <p>4 Mr. Brooks before?</p> <p>5 A. Two times he asked me if I was</p> <p>6 called if I will be willing to participate or</p> <p>7 give a deposition or an affidavit. I think</p> <p>8 that's the term. And I say yes, if you need me</p> <p>9 of course I will.</p> <p>10 Q. Any substantive discussion about</p> <p>11 what it will be about?</p> <p>12 A. Any?</p> <p>13 Q. Substantive discussion about what it</p> <p>14 will be about?</p> <p>15 A. Until yesterday when I got more</p> <p>16 detail, no.</p> <p>17 Q. And any conversation with Mr. Brooks</p> <p>18 before yesterday?</p> <p>19 A. No. Basically the only thing I</p> <p>20 remember Mr. Brooks was telling me that there</p> <p>21 was an e-mail about a show, and he ask me, you</p> <p>22 know, did you write an e-mail about doing a show</p> <p>23 with Patrick, and I say, yes, yes, I was very</p> <p>24 interested to do a show with him.</p> <p>25 Q. And would that be Exhibit 1?</p>



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<p>1 Celle 2 Q. Have you yourself ever contacted 3 Powerhouse about the number of sales of the 4 Yes Rasta book? 5 MR. BROOKS: I don't understand the 6 question. 7 Q. I'll rephrase it. 8 Have you ever had any contacts with 9 Powerhouse Books yourself? 10 A. Except ordering books? 11 Q. Yes. 12 A. And usually it's not me, it's Polly 13 Campbell, she does all the ordering books, so 14 she's the one who talk directly to them. 15 Q. Does she actually order it by 16 calling them up and asking for the books? 17 A. I know she call them and was trying 18 to get the rest of the Rasta. And there was a 19 fair in Brooklyn and Powerhouse had a big space, 20 and I noticed they had some Surfer. So after 21 the fair we contacted them to try to get more 22 copy, but they would not want to give their copy 23 of Surfer. So we could not get more books from 24 them. 25 Q. But you personally never spoke to</p>	<p>123 1 Celle 2 Q. And did he tell you the price point 3 at which they were sold? 4 A. No. 5 MR. BROOKS: Objection, asked and 6 answered. 7 Q. Did he tell you how many? 8 A. No. 9 Q. You decided not to proceed, at least 10 for the present, with the Cariou exhibit 11 regarding Yes Rasta photographs in or about 12 January of '09? 13 A. No, actually I decided the end of 14 November, December, and I met – at the time 15 when I saw the Richard Prince situation, I 16 committed with another photographer called Lyle 17 Owerko. I met him actually end of November 18 about the same time that there was, you know, 19 the situation that I learned that Richard Prince 20 and Patrick Cariou had maybe done something 21 together. 22 So I decided to do my show in 23 April with a different photographer called 24 Lyle Owerko. And my goal was to replace 25 probably Patrick with that work. And it's</p>
<p>122 1 Celle 2 anybody at Powerhouse? 3 A. No, Polly Campbell did, my 4 assistant. 5 Q. You had told us previously that 6 Mr. Cariou gave you some information about his 7 prior sales of prints. Did he give you 8 specifics? He told you he sold some Surfer 9 prints, is that correct? 10 A. He told me he sold both actually, 11 but he told me that he had a show about a surfer 12 in Paris. 13 Q. And that he sold some of the Surfer 14 prints? 15 A. Yes. 16 Q. Did he tell you he sold some 17 Yes Rasta prints? 18 A. He sold some Rasta prints, yeah. 19 Q. Did he tell you to whom? 20 A. Independent people, but it was not 21 in a gallery. It was more independent of 22 friends or collector, but not in a gallery 23 setting. 24 Q. Private sales? 25 A. Private sales, if I remember.</p>	<p>124 1 Celle 2 exactly what I did, I just opened my gallery 3 with that show. 4 Q. Just to make sure I didn't miss 5 anything, when you say you learned about this 6 Canal Zone exhibition, that consisted of you 7 having had the conversation with your husband 8 and you going online? 9 A. Yes. 10 Q. And the conversation with 11 Ms. Campbell? 12 A. Yes, exactly. 13 Q. Anything else? 14 A. No. 15 MR. BROOKS: I'm not sure she said 16 she definitely had a conversation with 17 Ms. Campbell. And she certainly didn't 18 say that's how she learned about it. 19 MR. HAYES: No, I understand. 20 BY MR. HAYES: 21 Q. I think you said previously that 22 Ms. Campbell works for you? 23 A. Yes. 24 Q. You speak to her frequently? 25 A. Yes.</p>



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<p style="text-align: center;">125</p> <p>1 Celle</p> <p>2 Q. And you expect you did discuss this</p> <p>3 with her?</p> <p>4 A. Yes.</p> <p>5 Q. But don't perhaps remember a</p> <p>6 specific conversation?</p> <p>7 A. I probably told her that was</p> <p>8 happening and that I will not do the show</p> <p>9 because, you know, in December I was already</p> <p>10 talking with a photographer. She was aware of</p> <p>11 it. She had met Lyle Owerko.</p> <p>12 We also had bought a book from him</p> <p>13 that we were selling right away.</p> <p>14 Q. And you were intending to sell that</p> <p>15 in your bookstore?</p> <p>16 A. Bookstore and eventually gallery.</p> <p>17 Q. And the title of that book is?</p> <p>18 A. And The Birds Sing, it's a book</p> <p>19 about 2011 what happened -- September 11, sorry.</p> <p>20 This young photographer came to show</p> <p>21 me with his work about September 11, which I was</p> <p>22 not interested, and when I ask him what other</p> <p>23 project he was working on he showed me the</p> <p>24 Samburu, the North Kenya civilization.</p> <p>25 And I immediately, you know, decided</p>	<p style="text-align: center;">127</p> <p>1 Celle</p> <p>2 selling about 30 prints from him.</p> <p>3 Q. In the year 2009 how many prints in</p> <p>4 total did you sell?</p> <p>5 A. In whole gallery?</p> <p>6 Q. Yes.</p> <p>7 A. There was an artist where I sold</p> <p>8 about 189 exactly.</p> <p>9 Q. Who is that?</p> <p>10 A. It's called James and Karla Murray,</p> <p>11 M-U-R-R-A-Y, and it's called Store Front. It's</p> <p>12 coming with a book too, so we did book signing</p> <p>13 and show. I forgot to mention that show before.</p> <p>14 We are still selling their work.</p> <p>15 It's real interesting work about all New York</p> <p>16 store fronts.</p> <p>17 Q. And what is the price point of those</p> <p>18 photographs?</p> <p>19 A. \$2,500 and up.</p> <p>20 MR. BROOKS: Excuse me one second.</p> <p>21 Did you get the word "store front"?</p> <p>22 A. Store Front, yeah, the name of the</p> <p>23 show, and the book.</p> <p>24 Q. In your gallery -- or galleries, but</p> <p>25 focusing first on the Broome Street gallery, do</p>
<p style="text-align: center;">126</p> <p>1 Celle</p> <p>2 to do a show with him because I knew I was not</p> <p>3 going to do Rasta. And I had Rasta such in my</p> <p>4 head that it was the perfect, you know,</p> <p>5 replacement. And I really like his work.</p> <p>6 Actually, he just won last week --</p> <p>7 there was 3,000 candidates in a big contest</p> <p>8 called Hasselblad contest. He's the winner this</p> <p>9 year, and he was chosen from 3,000 people.</p> <p>10 So I knew that if I could not have</p> <p>11 Rasta I had to have a replacement. And when I</p> <p>12 saw his work I was thinking that's perfect, you</p> <p>13 know.</p> <p>14 Q. And that's the show you told us</p> <p>15 about earlier which did in fact take place?</p> <p>16 A. Yes, my opening show in April.</p> <p>17 Q. And how did that show go?</p> <p>18 A. Very well actually.</p> <p>19 Q. Did you sell prints in the show?</p> <p>20 A. Yeah.</p> <p>21 Q. Do you have an average number of</p> <p>22 prints you've sold from your photography shows?</p> <p>23 A. In this case the prints start at</p> <p>24 2,500 up to 10,000. You know, it's still a</p> <p>25 small gallery, but we are right now we have been</p>	<p style="text-align: center;">128</p> <p>1 Celle</p> <p>2 you carry inventory of the photographs?</p> <p>3 A. Yes, we do.</p> <p>4 Q. And so you offer those for sale in</p> <p>5 addition to whatever the currently-up show is,</p> <p>6 if there is one?</p> <p>7 A. Yes, definitely.</p> <p>8 Q. And where do you have them</p> <p>9 physically in the gallery?</p> <p>10 A. We have like a file, a flat file,</p> <p>11 so we have them there. Some are also framed.</p> <p>12 For example, we keep older show, you know, so we</p> <p>13 have inventory. I have also a huge space.</p> <p>14 I have a 4,000-square-foot space in 255 Centre</p> <p>15 Street. So we keep inventory.</p> <p>16 Q. And you keep inventory then in each</p> <p>17 of your galleries?</p> <p>18 A. Yes, because we work with also a lot</p> <p>19 of decorators, you know.</p> <p>20 Q. And do you keep inventory primarily</p> <p>21 of the artists you've shown or artists of a</p> <p>22 broad spectrum?</p> <p>23 A. Only artists we are showing.</p> <p>24 Q. Have you ever kept any inventory of</p> <p>25 Patrick Cariou?</p>



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<p>1 Celle</p> <p>2 A. No.</p> <p>3 Q. Have you ever asked him whether you</p> <p>4 could carry inventory of Patrick Cariou?</p> <p>5 A. I've been trying. But, you know, he</p> <p>6 wanted to do a show and then take it from there.</p> <p>7 Q. I see. But did you ask him at any</p> <p>8 time after the -- withdrawn.</p> <p>9 At any time since beginning of '09</p> <p>10 have you asked him to give you inventory to</p> <p>11 sell?</p> <p>12 A. No.</p> <p>13 Q. At any time in '08 did you ask him</p> <p>14 to give you inventory to sell?</p> <p>15 A. No.</p> <p>16 Q. Did he ever offer to give you</p> <p>17 inventory to sell other than discussions about</p> <p>18 the show?</p> <p>19 A. No.</p> <p>20 Q. I think you referred to an artist by</p> <p>21 the name of Morlock who uses photography in art?</p> <p>22 A. Yes.</p> <p>23 Q. And in some fashion she puts some</p> <p>24 kind of images over the photographs, at least in</p> <p>25 part, is that fair to say?</p>	<p>1 Celle</p> <p>2 A. Yes.</p> <p>3 Q. And so you have conversations with</p> <p>4 them about photographs that might be appropriate</p> <p>5 for their decorating jobs?</p> <p>6 A. Correct.</p> <p>7 Q. Have you ever discussed with a</p> <p>8 decorator the possibility of them buying Patrick</p> <p>9 Cariou photographs from you?</p> <p>10 A. Never, except Robert Novogratz.</p> <p>11 Q. And did you personally speak to</p> <p>12 Robert Novogratz about it?</p> <p>13 A. Robert came to buy books from me and</p> <p>14 was interested in Patrick, and I ask him at the</p> <p>15 time to contact him and he contact him directly.</p> <p>16 Q. Patrick contacted Mr. Novogratz?</p> <p>17 A. Mr. Novogratz went on Patrick's</p> <p>18 website, contacted him and bought some</p> <p>19 photograph for a hotel in New Jersey.</p> <p>20 Q. You personally have not spoken to</p> <p>21 Mr. Novogratz about selling Patrick Cariou</p> <p>22 prints?</p> <p>23 A. No, I was not involved in the</p> <p>24 transaction at all.</p> <p>25 Q. And so has there ever been a time</p>
<p>130</p> <p>1 Celle</p> <p>2 A. I mean in the whole show 80 percent</p> <p>3 is painting and drawings, but she has two</p> <p>4 photographs that are vintage photographs she</p> <p>5 bought, probably online, she blew up really big</p> <p>6 and then she painted -- I guess it's black ink,</p> <p>7 she painted tattoo on the woman.</p> <p>8 Q. Have you ever had any other artists</p> <p>9 who used photos together with other media in any</p> <p>10 show?</p> <p>11 A. Just Tony C., the surfer.</p> <p>12 Q. And that consisted of photographs of</p> <p>13 his collage works?</p> <p>14 A. Yeah, photograph, collage, any kind</p> <p>15 of paper clip or advertising or publicity that</p> <p>16 he put in his journal and then it's translated</p> <p>17 into a photograph, yeah.</p> <p>18 Q. Forgive me if I asked this, did you</p> <p>19 ever have a situation where you were thinking</p> <p>20 about having an exhibit, other than Mr. Cariou,</p> <p>21 that you did not go forward with, that you</p> <p>22 canceled?</p> <p>23 A. Not so far.</p> <p>24 Q. You deal, I think you said, with</p> <p>25 decorators about photography?</p>	<p>132</p> <p>1 Celle</p> <p>2 when you personally went to anyone and offered</p> <p>3 to sell or try to get them to buy Patrick Cariou</p> <p>4 photographs?</p> <p>5 A. Never.</p> <p>6 Q. Robert Novogratz came to your</p> <p>7 gallery?</p> <p>8 A. Yes, correct.</p> <p>9 Q. And he was interested in Patrick</p> <p>10 Cariou?</p> <p>11 A. Yes.</p> <p>12 Q. And what did he say to you about</p> <p>13 being interested in Mr. Cariou?</p> <p>14 A. He bought two books, loved his work</p> <p>15 and asked me if I knew him. And I say I would</p> <p>16 love to do a show with him, I'm in conversation,</p> <p>17 but I'm not representing him yet.</p> <p>18 And because Robert Novogratz is a</p> <p>19 friend and client, I said best thing is to go</p> <p>20 directly and contact him, which he did.</p> <p>21 And when Patrick was in New York</p> <p>22 he say to me, thank you, you know, I'm doing</p> <p>23 something with Robert, that's very nice of you.</p> <p>24 Q. And did he say what it was he was</p> <p>25 doing with Robert?</p>



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<p style="text-align: center;">137</p> <p>1 Celle 2 out the whole thing. I just want to see if I 3 can get a complete. 4 Okay. The first page that I have 5 here has some photographs of books and says 6 January Book Sale, correct? 7 A. Correct. 8 Q. And these are books that you're 9 offering as part of a sales -- were offering as 10 part of a sales process, or are offering now as 11 part of a sales process in January? 12 A. Correct. 13 Q. And one is a book about Africa? 14 A. Yes, correct. 15 Q. By Leni Riefenstahl? 16 A. Correct. 17 Q. Next is Matthew Rolston book? 18 A. Mm-hmm. 19 Q. Is that a fashion book? 20 A. Yes, fashion. 21 Q. Next one over, I'm sorry, I can't 22 read. Do you recognize it? 23 A. Thomas Ruff, yeah. 24 Q. And the next one over is? 25 A. I can't remember. I mean I know</p>	<p style="text-align: center;">139</p> <p>1 Celle 2 A. Both. Some of them also have a 3 book, some don't have a book. 4 Q. So this first one with the two 5 elephants, those artists have a book and sell 6 prints? 7 A. Yes, correct. 8 Q. At your gallery? 9 A. Yes. 10 Q. The next one over, what's the next 11 one? 12 A. Sue Kwon. 13 Q. Again, sells both books and prints 14 at your gallery? 15 A. Yes, the book is called Street 16 Level. 17 Q. And what's the subject matter of 18 that? 19 A. It's New York, old neighborhood that 20 were photographs starting in the '80s to today, 21 different neighborhood. And I had a show for 22 Sue Kwon actually in September. 23 Q. Next one over is? 24 A. Wayne Levin. No book, but I 25 represent him and his work. He's from Hawaii.</p>
<p style="text-align: center;">138</p> <p>1 Celle 2 it's representing Eden, but I can't remember the 3 name of the photographer. I have a blank. 4 Q. The next page, which I think is 5 printed out when one goes to artists, as you can 6 see from the word "artist" being underlined, is 7 this list artists you represent or have 8 represented? 9 A. Correct. 10 Q. And, again, I apologize for the bad 11 copying. The one at the top left which shows 12 two elephants? 13 A. Yes. 14 Q. Who is the artist there? 15 A. Christo -- Cyril Christo, and Marie 16 Wilkinson. 17 Q. Are those a husband-and-wife team? 18 A. Correct, yeah. 19 Q. What do they show? 20 A. They show the work from a book 21 called Walking Thunder. 22 Q. And by the way, all these on this 23 page, are these all books or are these artists 24 who are selling prints in the gallery or 25 galleries?</p>	<p style="text-align: center;">140</p> <p>1 Celle 2 Q. So you sell prints of his? 3 A. Yes. 4 Q. And the subject matter is? 5 A. Underwater photography. 6 Q. Color? 7 A. Black and white mainly in my 8 gallery, but he also does color. 9 Q. And have you done a show for him? 10 A. No, he's always part of group show. 11 Q. And the first two that we just went 12 through, did you do shows with them? 13 A. Sue Kwon I did a show. 14 Christo and Wilkinson I did a show 15 and book signing. 16 Q. Next one over, the fourth one with 17 the picture of a person on it, what's that one? 18 A. Lyle Owerko. He's the person 19 actually we replaced Patrick Cariou in April 20 2009 opening. That's the Samburu project. No 21 book yet about that special work, but a show. 22 Q. What's the one to the right? 23 A. Jean-Philippe Piter, underwater 24 photography. He's from St. Barths. No show. 25 I'm sorry, no book. Group show. Part of the</p>



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<p>153</p> <p>1 Celle 2 MS. HAMMERMAN: I have no questions. 3 MR. BROOKS: I just have a few. 4 EXAMINATION BY 5 MR. BROOKS: 6 Q. Ms. Celle, earlier today you 7 testified that if you had done the show for 8 Mr. Cariou I believe you said there would have 9 been 30 to 40 prints, is that right? 10 A. Correct. 11 Q. Of different sizes? 12 A. Different sizes. 13 Q. Now, for any given photograph that 14 you had a print of would there only have been 15 one for sale or would there have been more than 16 one for sale? 17 A. Okay. What we discussed with 18 Patrick was the edition, because that's a very 19 important question. So for each print we were 20 thinking a series of ten photograph. 21 Q. And would those have remained for 22 sale after the show was over? 23 A. Yes. 24 Q. You would have kept them in 25 inventory?</p>	<p>155</p> <p>1 Celle 2 MS. HAMMERMAN: Join. 3 Q. You can answer. 4 A. I wish. It's hard to say. 5 I wish, I would be very happy today. 6 Q. And the prices again would have been 7 between what and what? 8 A. First price around 3,000, the most 9 expensive, the biggest format I would say 15,000 10 to 20. 11 Q. Now, just to be clear, you've talked 12 a lot about Lyle – Owerko? 13 A. Owerko, yeah. 14 Q. That was your first show? 15 A. Yes. 16 Q. At the 424 Broome Street gallery? 17 A. Yes. 18 Q. And when you were talking to Patrick 19 was he going to be the first show before you 20 replaced him with Lyle? 21 A. Yes, Patrick was the opening show. 22 Q. And can you explain again what your 23 idea was that you discussed with Patrick about 24 having a book signing at his show? 25 A. Usually, I mean it's really more</p>
<p>154</p> <p>1 Celle 2 A. Yes. The way it works is people buy 3 sometime at the show. 4 MR. HAYES: I'm just going to object 5 to the question. Calls for speculation. 6 MS. HAMMERMAN: Join. 7 Q. Go on. 8 A. Also people buy the print at the 9 show because there is only one print people 10 order, you know, people want the same image, so 11 we have to print it for them. 12 Q. So if there were 30 to 40 photos how 13 many copies would there have been of each one 14 that you would have offering for sale? 15 MR. HAYES: Again, object, the 16 question calls for speculation, and form. 17 MS. HAMMERMAN: Form. 18 Q. You can answer. 19 A. At the show I was issuing one of 20 each but, you know, you could make 30 to 40 by 21 ten, you know. 22 Q. So there could have been 300 to 400 23 that you would have sold? 24 MR. HAYES: Objection, calls for 25 speculation. Objection to form.</p>	<p>156</p> <p>1 Celle 2 powerful when you are able to present the work 3 of an artist and there is a book to validate the 4 work. 5 I was very surprised that -- in 6 Europe his work is very well-known of course, 7 because he's French I guess. I really wanted to 8 capitalize for, you know, the fact that there 9 was that beautiful book. And, you know, the 10 book was very helpful in terms of picking out 11 all the photograph and the portrait. 12 Q. And which book are you talking about 13 now? 14 A. Yes Rasta. 15 Q. So again, how many copies were you 16 planning to have at the book signing? 17 A. Usually in a book signing I can sell 18 from -- I will say an event like that, 50 to 19 200. 20 I had a book signing where I sold 21 400 books, but that was Patrick Demarchelier. 22 He's much more famous. 23 But usually guaranteed 50 books. 24 But, you know, up to 200, and the book stays in 25 the gallery anyway and the show too, so.</p>



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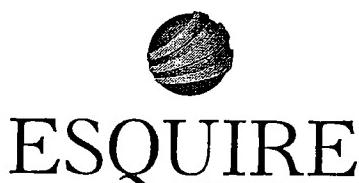
<p>157</p> <p>1 Celle</p> <p>2 Q. And why was it that you – I think 3 you said he was going to ask Powerhouse to 4 reprint the book I think you said?</p> <p>5 What was the reason for that?</p> <p>6 MR. HAYES: Objection. I don't 7 think it states the testimony correctly.</p> <p>8 MS. HAMMERMAN: Join.</p> <p>9 MR. BROOKS: I think she said that.</p> <p>10 A. I was the one telling him because 11 it's not in my power to go to Powerhouse and 12 tell them to reprint the book.</p> <p>13 So I was having a conversation with 14 Patrick to tell him you should really push them 15 to reprint that book, but not only that book, 16 the Surfer book too.</p> <p>17 Q. Now, you don't represent Patrick, 18 correct?</p> <p>19 A. I don't.</p> <p>20 Q. But if you had had a show you would 21 have entered into a contract to be his agent?</p> <p>22 MR. HAYES: Objection, calls for 23 speculation. Object to the form.</p> <p>24 MS. HAMMERMAN: Join.</p> <p>25 Q. Is that correct?</p>	<p>159</p> <p>1 Celle</p> <p>2 or contemporary photography, but this was a show 3 that I thought could have a wide audience, but 4 especially in the entertainment business because 5 of the nature of -- you know, you don't sell the 6 Rasta and the marijuana to the same people that 7 necessarily want something for their children's 8 room.</p> <p>9 So it was I think something very 10 interesting that when I start looking I really 11 look to see there was work very similar, you 12 know, and I didn't find anything on the Rasta 13 because I think it's very difficult to 14 infiltrate that community and be able to live 15 with them and take their photo. It's something 16 very -- like the Samburu, the same thing.</p> <p>17 You know, tourists don't go to that 18 place. He only had access to that place because 19 he worked for the United Nations.</p> <p>20 Q. This is in northern Kenya?</p> <p>21 A. North Kenya, yeah.</p> <p>22 Q. Did you say that those photos were 23 similar to the Yes Rasta photos?</p> <p>24 A. For me it was similar approach in 25 the term that it's a certain civilization that's</p>
<p>158</p> <p>1 Celle</p> <p>2 A. I would because, as I mentioned 3 before, you know, a show – just framing the 4 show costs between 20 and 30-thousand dollars. 5 So when you start investing it's a long-term 6 reward. So I sign the photographer. If not, 7 I don't do the show.</p> <p>8 Q. Finally, you said something in one 9 of your answers to the effect that you knew 10 people in the entertainment business, do you 11 remember saying that?</p> <p>12 A. Yes, correct.</p> <p>13 MS. HAMMERMAN: Objection.</p> <p>14 MR. HAYES: Objection, form.</p> <p>15 Q. What significance, if any, did that 16 have with respect to these Yes Rasta prints?</p> <p>17 A. Okay. Because of the different show 18 I've been doing, I know coming from fashion I 19 have all kind of different customers, so of 20 course I have the fashion people.</p> <p>21 But I'm really connected with a lot 22 of people in the music industry. And I won't 23 sell -- you know, the Rasta for me was directly 24 addressed to this kind of people.</p> <p>25 Like in the Hamptons I sell surfer</p>	<p>160</p> <p>1 Celle</p> <p>2 kind of disappearing one day and you cannot 3 really take their photograph except if you get 4 their trust and you are able to spend time with 5 them and live with their family.</p> <p>6 And that's what they both did. It's 7 a very similar work in different places.</p> <p>8 Q. They both meaning Patrick Cariou and 9 Lyle --</p> <p>10 A. And Lyle Owerko, yeah.</p> <p>11 Q. I have nothing further.</p> <p>BY MR. HAYES:</p> <p>13 Q. I have couple questions coming out 14 of Mr. Brooks' questions.</p> <p>15 First, about Mr. Owerko and 16 Mr. Cariou, so in your view they both document 17 certain civilizations that may be passing?</p> <p>18 A. Definitely.</p> <p>19 Q. Did you ever give Mr. Cariou a draft 20 contract for him to review or sign?</p> <p>21 A. No, no. It didn't go so far.</p> <p>22 Q. Of the other photographers -- you 23 spoke to Mr. Cariou about doing a series of the 24 prints?</p> <p>25 A. Sorry?</p>



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<p style="text-align: center;">161</p> <p>1 Celle</p> <p>2 Q. You spoke to Mr. Cariou about doing</p> <p>3 a series of the prints, if there was to be a</p> <p>4 show, that is to say more than one of each</p> <p>5 print?</p> <p>6 A. Definitely.</p> <p>7 Q. And what did you say to him and what</p> <p>8 did he say to you about that?</p> <p>9 A. What I ask him is if he had any</p> <p>10 printed from the book, and he said his printer</p> <p>11 was in New York, that he had some prints</p> <p>12 available.</p> <p>13 But if I was to choose certain image</p> <p>14 he might have to print them for me, and because</p> <p>15 of the format, we wanted to go really big, like</p> <p>16 80 by 90, big format, these would have to be</p> <p>17 printed.</p> <p>18 Q. Did you have any specific discussion</p> <p>19 as to any individual photographs as to how many</p> <p>20 of each would be produced?</p> <p>21 A. For the show, only one of each.</p> <p>22 The situation was some format were really big</p> <p>23 and needed to be printed. He only had, if I</p> <p>24 remember, images that were like 20 by 30. That</p> <p>25 was the biggest sizes he had. I don't think he</p>	<p style="text-align: center;">163</p> <p>1 Celle</p> <p>2 those.</p> <p>3 MR. HAYES: No further questions.</p> <p>4 Thank you very much.</p> <p>5 MR. BROOKS: Dara, do you have</p> <p>6 anything?</p> <p>7 MS. HAMMERMAN: No.</p> <p>8 MR. BROOKS: I have nothing else.</p> <p>9 THE WITNESS: Thank you.</p> <p>10 MR. HAYES: Thank you.</p> <p>11 MR. BROOKS: Thank you very much.</p> <p>12 (Time noted: 1:12 p.m.)</p> <hr/> <p style="text-align: right;">CHRISTIANE CELLE</p> <p>Subscribed and sworn to before me this ____ day of _____, 2010.</p> <hr/>
<p style="text-align: center;">162</p> <p>1 Celle</p> <p>2 had anything bigger.</p> <p>3 And I needed at the time at least</p> <p>4 three times the size on certain images.</p> <p>5 Q. And talking about other artists,</p> <p>6 other photographers, what is the most of any one</p> <p>7 series of prints that you've sold from any other</p> <p>8 photographer?</p> <p>9 A. It's about the store front, it's</p> <p>10 still selling. Right now it's probably</p> <p>11 90-something.</p> <p>12 Q. And after that how many – what's</p> <p>13 the next most you've sold?</p> <p>14 A. You know, it all depends like if a</p> <p>15 show is new. Like I have a new show right now,</p> <p>16 ten, you know. It all depends the price.</p> <p>17 Q. And what price point was that?</p> <p>18 A. The one that I sold ten right now</p> <p>19 it's a \$6,000 one.</p> <p>20 Q. And the show by Mr. Owerko, how many</p> <p>21 of those have you sold</p> <p>22 A. Probably around 30 of the biggest</p> <p>23 one. And then I'm still selling them, you know.</p> <p>24 And then he has a smaller format that he did</p> <p>25 special edition, you know, like a few dozen of</p>	<p style="text-align: center;">164</p> <p>1</p> <p>2 CERTIFICATE</p> <p>3</p> <p>4 STATE OF NEW YORK)</p> <p>5)ss:</p> <p>6 COUNTY OF NEW YORK)</p> <p>7</p> <p>8 I, BRYAN NILSEN, a Notary Public</p> <p>9 within and for the State of New York, do</p> <p>10 hereby certify:</p> <p>11 That CHRISTIANE CELLE, the witness</p> <p>12 whose deposition is hereinbefore set</p> <p>13 forth, was duly sworn by me and that such</p> <p>14 deposition is a true record of the</p> <p>15 testimony given by such witness.</p> <p>16 I further certify that I am not</p> <p>17 related to any of the parties to this</p> <p>18 action by blood or marriage and that I am</p> <p>19 in no way interested in the outcome of</p> <p>20 this matter.</p> <p>21 IN WITNESS WHEREOF, I have hereunto</p> <p>22 set my hand this ____ day of January, 2010.</p> <p>23</p> <p>24</p> <p>25</p> <hr/> <p style="text-align: right;">BRYAN NILSEN, RPR</p>



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